Certificate of Mailing: Date of Deposit: December 4. 2002

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the

Commissioner for Patents, Washington, D.C. 20231.

Susan M. Cannon

Printed name of person mailing correspondence

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Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mark C. Fishman et al.

Art Unit:

1634

Serial No.:

09/759,508

Examiner:

Jehanne E. Souaya

Filed:

January 12, 2001

Customer No.:

21559

Title:

Methods for Diagnosing and Treating Heart Disease

Commissioner for Patents Washington, D.C. 20231

## DECLARATION OF XIAOLEI XU, PH.D., UNDER 37 C.F.R. § 1.131

## I declare:

- 1. I am an inventor of the subject matter that is described and claimed in the abovecaptioned patent application.
- 2. The enclosed Exhibit is a copy of pages from my laboratory notebook, which show that my co-inventor and I had determined that the pickwick mutation, which is characterized by a weak heartbeat, is in the titin gene. In particular, we found that certain zebrafish sequences that we had identified as being in the pickwick locus were homologous to known titin sequences. These pages are dated prior to the August, 1999 publication date of Satoh et al. (Biochem. Biophys. Res. Com. 262:411-417, 1999).

3. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 11/11/02

Xiaolei Xu, Ph.D.

14 Wait Street, Apartment 2R

Boston, MA 02120

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